

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN BEMKE, SCOTT COLLETT, JOHN
FERIOZZI, JUDY FINTZ, SARAH
JAMIESON, EVAN JOHNSON, TRACY
LONG, and CLIFFORD NEUMANN

Plaintiffs,

v.

Case No. 21-cv-560

AMY PECHACEK, in her official capacity as
Secretary-designee of the State of Wisconsin
Department of Workforce Development

Defendant.

DECLARATION OF PAUL A. KINNE

I, Paul A. Kinne, under penalty of perjury declare as follows:

1. I am an attorney licensed to practice law in the State of Wisconsin.
2. I submit this declaration in support of the plaintiffs' motion for summary judgment in the above-captioned action.
3. Attached hereto as Exhibit A is a true and correct copy of the deposition of Amy Pechacek dated June 8, 2022.
4. Attached hereto as Exhibit B is a true and correct copy of the deposition of James Chiolino dated July 20, 2022.
5. Attached hereto as Exhibit C is a true and correct copy of Wisconsin Department of Workforce Development (DWD) appeal tribunal decision No. 21016432MD by administrative law judge Rochelle Jones, dated November 8, 2021, concerning plaintiff Brian Bemke.

6. Attached hereto as Exhibit D is a true and correct copy of Wisconsin DWD determination ID No. 210013091, dated January 15, 2021, concerning plaintiff Scott Collett.
7. Attached hereto as Exhibit E is a true and correct copy of a declaration by plaintiff Scott Collett dated August 8, 2022.
8. Attached hereto as Exhibit F is a true and correct copy of Wisconsin DWD determination ID No. 212291480, dated September 13, 2021, concerning plaintiff John Feriozzi.
9. Attached hereto as Exhibit G is a true and correct copy of a signed declaration by plaintiff John Feriozzi dated August 9, 2022.
10. Attached hereto as Exhibit H is a true and correct copy of an excerpt of plaintiff Judy Fintz's administrative record including: 1) Wisconsin DWD determination ID No. 140709510, dated December 29, 2014; 2) Wisconsin DWD appeal tribunal decision No. 15200022EC by Administrative Law Judge Leann R. Prock, dated January 22, 2015; 3) Wisconsin DWD determination ID No. 150509931, dated December 17, 2015; 4) Wisconsin DWD appeal tribunal decision No. 16200021EC by Administrative Law Judge Jeffrey R. Pawelski, dated January 20, 2016; and 5) Wisconsin Labor and Industry Review Commission decision No. 16200021EC, dated March 18, 2016.
11. Attached hereto as Exhibit I is a true and correct copy of an excerpt of plaintiff Sarah Jamieson's administrative record including: 1) Wisconsin DWD determination ID No. 180504850, dated September 6, 2018; 2) Wisconsin DWD determination ID No. 180498090, dated September 1, 2018; 3) Wisconsin DWD determination ID No.

- 180471030, dated August 18, 2018; and 4) Wisconsin DWD determination ID No. 200150335, dated April 1, 2020
12. Attached hereto as Exhibit J is a true and correct copy of a signed declaration by plaintiff Sarah Jamieson dated August 9, 2022.
 13. Attached hereto as Exhibit K is a true and correct copy of a Wisconsin DWD determination ID No. 200064342, dated May 6, 2020, concerning plaintiff Evan Johnson.
 14. Attached hereto as Exhibit L is a true and correct copy of a signed declaration by plaintiff Evan Johnson dated August 8, 2022.
 15. Attached hereto as Exhibit M is a true and correct copy of Wisconsin DWD appeal tribunal decision by Administrative Law Judge Christa Seymour, dated December 27, 2021, concerning plaintiff Tracy Long.
 16. Attached hereto as Exhibit N is a true and correct copy of a signed declaration by plaintiff Tracy Long dated August 8, 2022.
 17. Attached hereto as Exhibit O is a true and correct copy of a Wisconsin DWD determination ID No. 200770470 concerning plaintiff Clifford Neumann.
 18. Attached hereto as Exhibit P is a true and correct copy of a signed declaration by plaintiff Clifford Neumann dated August 9, 2022.
 19. Attached hereto as Exhibit Q is a true and correct copy of a letter sent by Wisconsin DWD Secretary Caleb Frostman to U.S. Secretary of Labor Eugene Scalia dated June 9, 2020.
 20. Attached hereto as Exhibit R is a true and correct copy of Wisconsin DWD analysis of proposed law change No. D12-05 by Scott Sussman dated October 16, 2012.

21. Attached hereto as Exhibit S is a copy of Wisconsin DWD analysis of proposed law change No. D15-01 by Scott Sussman dated March 15, 2015.

Dated this 12th day of August, 2022.

s/ Paul A. Kinne

Paul A. Kinne